

# **Exhibit 7**

## **to Declaration of Robert W. Fuller**

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

**IN RE COLLEGE ATHLETE NIL  
LITIGATION**

Case No. 4:20-cv-03919-CW

**DECLARATION OF WINSTON G.  
DECUIR, JR. IN SUPPORT OF JOINT  
ADMINISTRATIVE OMNIBUS MOTION  
TO SEAL**

I, Winston G. DeCuir, Jr. declare that the following is true:

1. I am the Vice President of Legal Affairs and General Counsel of Louisiana State University (“LSU”). LSU is a member of the Southeastern Conference, which is a defendant in this action. I make this declaration of my own personal knowledge and, if called on to do so, could testify competently to the facts stated herein under oath.

2. I am informed that the parties in this matter are seeking to file under seal certain highly confidential and competitively sensitive information belonging to LSU, as well as other documents that reference those materials. Specifically, on September 15, 2023, the parties in this matter filed a Joint Administrative Omnibus Motion to Seal (the “Motion”). LSU was served with a copy of the Motion and was informed of the procedures set forth in Civil Local Rule 79-5, as modified by the Stipulation and Order Modifying Sealing Procedures in this case.

1 See ECF No. 205.

2       3. I make this declaration in support of the sealing of certain confidential  
 3 information produced by LSU pursuant to Local Rule 79-5(c) and (f)(3) of the U.S. District  
 4 Court for the Northern District of California.

5       4. On September 21, 2021, Plaintiffs in this action served LSU with a subpoena  
 6 seeking, in part, data and documents reflecting the identity of student-athletes on various  
 7 athletic teams at LSU; the financial aid distributions made to student-athletes at LSU; and the  
 8 terms of agreements that student-athletes at LSU have entered with third parties related to the  
 9 commercial use of their name, image, or likeness (“NIL”) or commercial activity related to  
 10 their NIL, including the financial terms of those agreements.

11      5. On April 8, 2022 and June 8, 2022, LSU complied with the subpoena by  
 12 producing documents that contained confidential financial aid records for individual student-  
 13 athletes; the terms, including financial terms, of NIL agreements for individual student-  
 14 athletes; and copies of NIL agreements entered by individual student-athletes. These  
 15 documents were produced to Plaintiffs with the understanding that they would be kept  
 16 confidential pursuant to the Stipulation and Protective Order entered in this action.

17      6. I understand that a party seeking to file a document under seal must “establish  
 18 that a document, or portions thereof, are sealable.” Civil L.R. 79-5(c). In connection with a  
 19 dispositive motion, a designating party must demonstrate that “compelling reasons” exist to  
 20 protect the information from being disclosed. *Kamakana v. City & Cnty. of Honolulu*, 447  
 21 F.3d 1172, 1178-79 (9th Cir. 2006). Redactions, instead of complete removal, can be used to  
 22 place “limited and clear” portions of information outside the public record. *Id.* at 1183.

23      7. LSU requests that the following portions of the parties’ filings containing LSU’s  
 24 confidential information be maintained and filed under seal and can demonstrate that  
 25

1 compelling reasons exist to maintain these narrowly tailored redactions under seal:

2	Document and Location	Compelling Reason(s) for Sealing
3	1. ECF No. 251-1, Expert Report of Catherine Tucker, p. 197, ¶ 237.	To protect highly confidential and competitively sensitive information pertaining to confidential NIL agreements involving LSU student-athlete Olivia Dunne.
6	2. ECF No. 251-1, Expert Report of Catherine Tucker, p. 198, Table 12 and n. 522.	To protect highly confidential and competitively sensitive information pertaining to confidential NIL agreements involving LSU student-athletes, specifically Olivia Dunne, Elena Arenas, Haleigh Bryant, Kiya Johnson, Alyona Shchennikova, Samantha Durante, Sarah Edwards, Kamryn Ryan, Katherine Campbell and Christina Desiderio.
13	3. ECF No. 251-1, Expert Report of Catherine Tucker, p. 204, ¶ 244 and n. 540.	To protect highly confidential and competitively sensitive information pertaining to confidential NIL agreements involving LSU student-athlete Derek Stingley Jr.

17       8.     LSU maintains the terms of the NIL agreements summarized above and the  
 18 terms thereof as confidential. Not all employees of LSU are permitted to access these  
 19 documents or the agreement terms that they contain. LSU also demands that recipients of  
 20 those agreements treat the agreements as confidential. Additionally, many of the agreements  
 21 contain explicit confidentiality provisions prohibiting or limiting their public disclosure.

23       9.     The Northern District of California has concluded that “compelling reasons”  
 24 exist to seal confidential “license agreements, financial terms, [and] details of confidential  
 25 licensing negotiations[.]” *Guzman v. Chipotle Mexican Grill, Inc.*, No. 17-cv-02606-HSG,  
 26 2020 WL 1171112, at \*1 (N.D. Cal. Mar. 11, 2020) (citation and internal quotation marks  
 27 omitted). Likewise, in *Gray Media Group, Inc. v. Tate*, Docket No. 712,007, 19th Judicial

1 District Court, State of Louisiana, the court concluded that NIL agreements and records are not  
2 public records, both under FERPA and under the right of privacy recognized by the Louisiana  
3 constitution. For the same reasons, the agreements summarized above should remain sealed.  
4

5 10. For the foregoing reasons, LSU respectfully submits that compelling reasons  
6 exist to seal the information identified above and in the Proposed Order submitted with the  
7 Motion.

8 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
9 and correct.

10 Executed on September 27, 2023.

11 By:  
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14 Winston G. DeCuir, Jr.  
15 Vice President of Legal Affairs and  
General Counsel  
Louisiana State University

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